

February 26, 1987

Ed/Lynn

Copy - Alice Furst
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MEMORANDUM TO: MARK T. ROBERTS, P.E.
CHIEF, BUREAU OF DESIGN

SUBJECT: MEETING WITH U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA)

On February 24, 1987, Messrs. Mark T. Roberts, Jack K. Brubaker, A. H. Stallard and James E. Hoffman of the Kansas Department of Transportation's (KDOT) Bureau of Design met with EPA's Mr. Lynn Kring and Ms. Alice Furst in their Kansas City, Kansas offices. The purpose of the meeting was to discuss possible conflicts between a potential new trafficway (Southeast Freeway) through Cherokee County and EPA's Superfund sites. Maps showing a possible corridor through the Baxter Springs area were utilized. The following points were discussed:

The alignment through the area was described as "Typical", one of many possible routes that could be utilized.

The work sheets shown depicted tailings piles, mine shafts, wetlands, threatened and endangered species locations, critical habitat, etc.

EPA Superfund has no regulations that would affect KDOT projects. EPA would be concerned with workers' exposure to hazardous substances and equipment disturbing hazardous substances in Cherokee County.

Current property owners are held responsible for hazardous substances occurring on a "site". This would include any sites that KDOT would acquire for a highway using eminent domain. If KDOT would acquire a parcel with hazardous substances, KDOT would be responsible for cleaning up the site.

It may be possible to utilize mine tailings as highway fill, benefitting both KDOT and EPA. The highway could be designed to utilize the tailings, but KDOT would like financial support from Superfund.

Superfund perhaps could pay for moving the material to its destination, but a feasibility study with public comment would be undertaken by EPA.

If KDOT designed a roadway to utilize tailings, some additional expenses could accrue due to longer culverts, additional right of way width, longer haul trips, and longer bridges. Conversely, some savings would be realized because of less excavation through earth and rock and less borrow material required.

The mine tailings in this area are considered by EPA as a hazardous substance, not a Resource Conservation and Recovery Act (RCRA) hazardous waste.

Congress has mandated neutralizing of hazardous substances "on site", rather than move them to a disposal site.

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SUPERFUND RECORDS

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EIS/404 BRANCH

Mark T. Roberts
 Jack K. Brybak
 James Hoffman
 Al Stallard
 Alice Furst
 Lynn Kring

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 EPA
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